

Remarks

In the outstanding Official Action, the Examiner:

(1) indicated that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 USC 120;

(2) rejected claims 1-2, 5-8, 11-14 under 35 USC 102(e) as being anticipated by Riesser et al.;

(3) rejected claims 3-4, 9-10 under 35 USC 103(a) as being unpatentable over Riesser et al. in view of Sutter et al.; and

(4) rejected claims 15-20 under 35 USC 103(a) as being unpatentable over Riesser et al. (and Sutter et al. when necessary) in view of Sklar et al.

In response to Items 1 and 4 above, Applicants have now amended the instant application to claim priority of (1) prior U.S. Patent Application Serial No. 09/248,523, filed February 9, 1999 by Joseph H. Sklar; and (2) prior U.S. Patent Application Serial No. 09/304,885, filed May 4, 1999 by Joseph H. Sklar et al., which were each co-pending as of the filing date of the above-identified patent application.

In response to Item 2 above, Applicants have now amended independent claims 1, 7 and 13 to more clearly define the present invention with respect to the prior art.

Independent claim 1, as amended, comprises a fixation screw for fastening a graft ligament in a bone tunnel, wherein the proximal end defines a generally planar end surface disposed transversely to the central axis and at an angle thereto other than a normal angle,
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and the planar end surface extends from a first portion of the outer periphery of the shank to a second portion of the outer periphery of the shank, and the first portion of the periphery and the second portion of the periphery being disposed in opposition to one another so as to define a linear axis therebetween passing through the central axis. Independent claims 7 and 13, as amended, each comprise a fixation screw comprising an elongated shank having the proximal end comprising a generally planar end surface disposed transversely to the axis and at an angle thereto other than a normal angle, and the planar end surface extends from a first portion of the outer periphery of the shank to a second portion of the outer periphery of the shank, and the first portion of the outer periphery and the second portion of the outer periphery being opposed to one another so as to define a linear axis therebetween passing through the central axis.

Riesser et al. is believed to teach an interference screw having an angled profile across only a portion of the proximal end thereof so as to create an end surface having an overall shape which is not generally planar (see Figs. 3, 4 and 7 of Riesser et al.) More specifically, and looking at Fig. 3 of Riesser et al., Applicants believe that the proximal end of the Reisser screw forms at least one substantial discontinuity adjacent to reference numeral 26 so as to create a non-planar end surface. This profile is believed to be consistent with the end surfaces shown in Figs. 4 and 7 of Riesser et al. As such, Riesser et al. is believed to teach away from the construction of INNO-31

the present invention in which the generally planar end surface extends from a first portion of the periphery of the shank to a second portion of the periphery of the shank. In this respect, Applicants note that their generally planar end surface provides a substantial advantage over the prior art, since it allows the end surface of the screw to form a substantially flush, void-free fit at the outer periphery of the shank with the outer surface of the bone.

Accordingly, independent claims 1, 7 and 13 are believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claims 2 and 5-8, 11 and 12, and 14, which depend either directly or ultimately from independent claims 1, 7 and 13, respectively, are believed to be allowable at least for the above-identified reasons. Accordingly, allowance of claims 2, 5-8, 11, 12 and 14 is respectfully requested.

In response to Item 3 above, claims 3 and 4, and 9 and 10, which depend either directly or ultimately from independent claims 1 and 7, respectively, are believed to be allowable for at least the above-identified reasons. Accordingly, allowance of claims 3, 4, 9 and 10 is respectfully requested.

In the event that any additionally fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Respectfully submitted,

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